

18 FEB 1964

A. The article entitled "The CIA is Getting Out of Hand," by Senator Eugene McCarthy in the January 4-11, 1964 issue of the SATURDAY EVENING POST repeats many of the same points which Senator McCarthy included in his statement which he presented to the Senate Armed Services Committee in January 1962 at the confirmation hearings on John A. McCone to be Director of Central Intelligence. The fundamental difference between the two is that in the 1962 statement Senator McCarthy stresses his concern as to whether or not certain activities of CIA are legal or constitutional. Although these points are included in the 1964 article, the recent article also accuses CIA of making foreign policy and assuming the roles of the President and the Congress. Other accusations are also included in the more recent article whereas the earlier statement did not include any charges or accusations.

B. Following are listed some of the statements made by Senator McCarthy in the recent article, with comments following:

1. Senator McCarthy: "The CIA, in short, is making foreign policy and, in so doing, is assuming the roles of the President and the Congress. It has taken on the character of an inviolable government answering only to itself. This must stop. The CIA must be made accountable for its activities, not only to the President but also to Congress through a responsible Committee."

#### COMMENTS

It is incorrect to say that CIA is not accountable to the President. To assume that CIA acts independently of Presidential control is to assume anarchy. On the question of accountability to Congress, it is accountable to four Subcommittees--Appropriations and Armed Services in both House and Senate.

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2. Senator McCarthy: "In early September it was reported that the CIA was giving money--some three million dollars a year in 'direct, under-the-table aid'--to the Diem regime's special corps that raided Buddhist pagodas in Saigon. The CIA payments were made even though the U.S. Government publicly deplored the raids, part of the repression of the Buddhists which helped bring about the downfall of the Diem regime."

#### COMMENTS

President Kennedy in his press conference of 9 October 1963 had this to say about CIA activities in South Vietnam:

"I must say I think the reports are wholly untrue. The fact of the matter is that Mr. McCone sits in the National Security Council. I imagine I see him at least three or four times a week, ordinarily. We have worked very closely together in the National Security Council in the last two months attempting to meet the problems we faced in South Viet Nam. I can find nothing, and I have looked through the record very carefully over the last nine months, and I could go back further, to indicate that the CIA has done anything but support policy. It does not create policy; it attempts to execute it in those areas where it has competence and responsibility. ... I can just assure you flatly that the CIA has not carried out independent activities but has operated under close control of the Director of Central Intelligence, operating with the cooperation of the National Security Council and under my instructions.

3. Senator McCarthy: "In Laos, too, the CIA pursued policies that conflicted with official and public policies of the State Department. ... Ambassador Smith is not the only member of the U. S. diplomatic corps to complain about CIA 'spooks' who flit through U. S. embassies while pursuing their own brand of foreign policy." Senator McCarthy then asserts two other examples of CIA activities referring to the fall of the government of Premier Mohammed Mossadeq of Iran in 1953 and the overthrow of the Communist-influenced government of Arbens in Guatemala in 1954.

#### COMMENTS

Mr. Dulles in his book, CRAFT OF INTELLIGENCE, comments as follows on the charges that CIA engages in uncoordinated or independent political operations:

"The facts are that CIA has never carried out any action of a political nature, given any support of any nature to any persons, potentates or movements, political or otherwise, without appropriate approval at a high political level in our government outside the CIA."

Whether or not CIA had a hand in these three different situations, it is inconceivable that it did so except upon instructions from the highest level. The matter of conduct of covert operations by CIA was the subject of considerable discussion during Mr. McCone's confirmation hearings where Senator McCarthy in fact questioned the propriety of the Agency engaging in such activities. In response to a question, Mr. McCone stated:

"I think in the activities of the Agency ... I would feel compelled to act under the direction of the President in assisting, to the extent the Agency is competent, in carrying out his program of conducting affairs in the best interests of this country. I think I would pursue that so long as I felt that it did not involve a violation, a clear violation of my oath of office, which is to uphold the Constitution. If a conflict arose with respect to that oath of office, naturally, I would have to refuse or resign."

4. Senator McCarthy: Senator McCarthy states: "...who, if anyone, authorized the Agency to overthrow Mossadeh is unknown."

COMMENTS

If CIA did this obviously it was directed to do so by the President. Is the President to be denied the use of whatever tools he feels are necessary in protecting this country? Is the SATURDAY EVENING POST the proper vehicle to raise such an unanswerable question?

5. Senator McCarthy: In connection with the U-2 which Senator McCarthy concedes was the mightiest achievement of the CIA, he continues on to say on the 1 May flight that "The CIA in effect made foreign policy, and we in Congress who are charged with advice and consent for foreign affairs stood by helplessly because we knew nothing of the U-2 activities. ...trespassing upon the prerogatives of the White House, the State Department and the Congress."

COMMENTS

This matter has been discussed sufficiently but it is clear that the U-2 program was fully coordinated with the top levels of Government and the magnificent results of the program in the minds of those responsible made it well worth the risks. President Eisenhower has acknowledged that he was knowledgeable of and that he personally authorized the U-2 program. As for the Congress knowing nothing of U-2 activities, I refer to Mr. Cannon's floor statement of 10 May 1960 where he said:

"The plane was on an espionage mission authorized and supported by money provided under an appropriation recommended by the House Committee on Appropriations and passed by the Congress.

"Although the Members of the House have not generally been informed on the subject, the mission was one of a series and part of an established program with which the subcommittee in charge of the appropriation was familiar, and of which it had been fully apprised during this and previous sessions."

6. Senator McCarthy: In speaking of the Bay of Pigs incident, Senator McCarthy states: "His first mistake was to assume the authority to raise an army on U. S. soil, even though the troops were Cuban refugees, without both presidential and congressional approval."

#### COMMENTS

Former President Eisenhower has acknowledged that he directed organization and training of the Cuban forces. The statement that this was done without Presidential approval is simply untrue. If CIA is directed by the President to engage in an activity which the President feels is in the best interests of the country, in order to combat the Communist menace, the quarrel then is with the President and not with that agency which is carrying out its instructions. Congressional approval of these types of activities is implicit in the Appropriations Subcommittees which approve funds year after year for these very purposes.

7. Senator McCarthy: Senator McCarthy states: "We are unaware of any responsible person stating that the U. S. Government can no longer afford to conduct foreign policy in accordance with the Constitution."

#### COMMENTS

From a legal viewpoint, it can be stated that CIA activities are constitutional under the broad doctrine enunciated repeatedly by the courts that the President has broad constitutional powers in connection with his responsibility in the conduct of foreign relations. As Commander-in-Chief of the Armed Forces and in the powers inherent in the Presidency, he has authority to take executive actions as he deems appropriate to protect the national interests which are not barred by the Constitution or other laws of the land. These powers do not depend upon the affirmative grants of the Constitution but are vested in the U. S. as a nation with all the attributes of sovereignty and the powers of Government necessary to maintain an effective control of international relations. A review of our history as a nation will show that there has been recognition and acceptance of the fact that the conduct of foreign affairs on occasion requires the use of covert activities which might be of a quasi military nature. Early example was the dispatch of the Lewis Clark expedition into territory then under control of another foreign power.

8. Senator McCarthy: Senator McCarthy recognizes that under the law the President and the National Security Council control and direct CIA. However, he states: "... But the President is the nominal head of hundreds of agencies and cannot be kept fully informed at all times of the activities of an agency as large and as powerful as the CIA."

#### COMMENTS

Only the uninformed or those not familiar with processes in the executive branch would state that the President was not fully informed of the covert operations of CIA since the Agency in this respect is but an arm of the Presidency carrying out the directions of the President. By Executive Order, dated 4 May 1961, the Foreign Intelligence Advisory Board was established by President Kennedy, and represented a reactivation, with broadened terms of reference, of the former President's Board of Consultants on Foreign Intelligence Activities, which had been established by President Eisenhower in 1956. The new Board is composed of outstanding citizens from outside the Government, and is headed by Mr. Clark Clifford. Its functions are as follows:

"... The function of the Board shall be to advise the President with respect to the objectives and conduct of the foreign intelligence and related activities of the United States which are required in the interests of foreign policy and national defense and security. ... In the performance of its advisory duties, the Board shall conduct a continuing review and assessment of all functions of the Central Intelligence Agency, and of other executive departments and agencies having such or similar responsibilities in the foreign intelligence and related fields, and shall report thereon to the President each six months or more frequently as deemed appropriate. The Director of Central Intelligence and the heads of other departments and agencies concerned shall make available to the Board any information with respect to foreign intelligence matters which the Board may require for the purpose of carrying out its responsibilities to the President. The information so supplied to the Board shall be afforded requisite security protection as prescribed by the provision of applicable laws and regulations."



9. Senator McCarthy: Senator McCarthy then turns to his more fundamental point by saying the issue is not one of executive control over CIA but rather the question of congressional responsibilities. He asks: "Do or do not the elected representatives of the people have the right to know what a critically important agency is doing?"

#### COMMENTS

Does Senator McCarthy really believe that every Senator and every Congressman should be fully cognizant of what specific activities are being conducted by CIA? Even with his suggested solution of a Joint Watchdog Committee for Intelligence is it to be supposed that their hearings would be in open session, available to all members of Congress? Senator McCarthy recognizes the need for security and secrecy and that with a Joint Committee it would be only the members of that Committee who would receive the detailed information. From this point of view then we already have four Subcommittees of Congress whose members are briefed. It is difficult to believe that Senator McCarthy does not want the members of these four Subcommittees to report all of their information and findings to the rest of the Congress. Senator Russell dealt with this point on the floor in 1956 during the debate on a proposal for a Joint Committee. He points out that it is obvious that intelligence matters must be done in secrecy and that intelligence activities must be confined to a small group in the Congress. Senator Russell concludes his argumentation on this point by saying it would be more desirable to abolish CIA "than to adopt any such theory as that all the members of the Congress of the United States are entitled to know the details of all the activities of this far-flung organization."

10. Senator McCarthy: Senator McCarthy copes with the argument that CIA already reports to four Subcommittees by stating: "... At best such reports are superficial. The CIA decides for itself just how much or how little Congress ought to know."

COMMENTS

Repeatedly members of those Subcommittees have stated that the Agency has been frank and forthcoming in its discussions and its reports to the Subcommittees. It is simply untrue that CIA decides for itself how much or how little Congress ought to know. The only people in a position to challenge this are the members of the Subcommittees and they have stated to the contrary. One can agree with Senator McCarthy when he states that CIA ought not to be privileged to feed to the Congress only the information they think is good for them no matter how sensitive. The CIA is not so privileged and does not wish to be so.